IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3442 OF 2004

1. Nana Vithal Markad,
2. Yashodabai Nana Markad, .. Applicants

Vs

The State of Maharashtra, .. Respondent

Mr. Sandeep S.Salunkhe, for the applicants.

Mr K.V.Saste, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 16th AUGUST, 2004.

PC:

1. Heard Mr.Salunkhe, learned counsel for the applicants and Mr.Saste, learned A.P.P for the respondent.

2. This application is filed for being released on bail in C.R. No.26/02 registered at Natepute police station under sections 498-A, 304-B read with 34 of Indian Penal Code. It is the prosecution case that the present applicants and their son allegedly subjected the deceased Sunita to cruelty and inhuman treatment so as to coerce her parents to fulfil their unlawful demand of Rs.50,000/- which ultimately drove her to commit suicide by consuming poison. Mr.Salunkhe, learned counsel for the applicants, submitted that in so far as the present

applicants are concerned, the allegations against them at the most would attract the provisions of section 498-A of IPC. He further submitted that there are no allegations against the present applicants of having given beating to the deceased. Considering the allegations against them and the age of the applicants, Mr. Salunkhe submitted that they may be enlarged on bail.

3. I have perused the statements of the witnesses and other material placed before me with the assistance of the learned APP. Though there is enough material to show that the deceased was subjected to cruelty by her husband and the present applicants, there is no specific allegation of beating given by the applicants to the deceased. Keeping that in view and considering the overall facts and circumstances of the case, age of the applicants and the submissions of Mr Salunkhe, I am inclined to enlarge them on bail.

4. The applicants are directed to be enlarged on bail on their furnishing a personal bond of Rs.10,000/- each with one or two sureties of the like amount to the satisfaction of the trial Court subject to the condition that they shall report the concerned police station on every first and third Saturday between 10 am and 11 am

until the conclusion of their trial.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.BHOSALE, J.)